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AUG 24 2007

In re Application of : **OFFICE OF PETITIONS**
Jiro Kanie :
Application No. 10/826,165 : **DECISION ON PETITION**
Filed: April 16, 2004 :
Attorney Docket No. 889_001 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed July 20, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on October 21, 2006. A Notice of Abandonment was mailed on March 8, 2007.


The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a request for continued examination, \$395 filing fee, and submission as required by 37 CFR 1.114, (2) the petition fee of \$750, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the final Office action of July 20, 2006 is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$510 extension of time fee submitted with the petition on April 20, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account in due course.

This application is being referred to Technology Center AU 1618 for processing the request for continued examination and for

appropriate action in the normal course of business on the submission under 37 CFR 1.114 received April 20, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions